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09/899,325	07/05/2001	Paul Toomey	GD47/01	2577

7590 12/06/2004  
Edward P. Dutkiewicz  
640 Douglas Avenue  
Dunedin, FL 34698

EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,325

Applicant(s)

TOOMEY, PAUL

Examiner

Jean B Fleurantin

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

Art Unit: 2172

### **DETAILED ACTION**

1. (a) This is in response to the Application filed on July 05, 2001, in which claims 1-9 are presented for examination.

(b) The instant application contains a power of attorney to Michael Coltiz who has been Suspended from practice before the Patent and Trademark Office (Office). The Office does not communicate with attorneys or agents who have been suspended or excluded from practice. Accordingly, the Office action is being mailed to you as the inventor.

Applicant may, of course, file a new power of attorney in the application to have a registered attorney or agent represent you before the Office. In the absence of an attorney or agent of record, all amendments and other papers filed in the application must be signed: (1) by you; or (2) if there is an assignee of record of an undivided part interest, by you and such assignee; or (3) if there is an assignee of the entire interest, by such assignee; or (4) by a registered patent attorney or agent, not of record, who acts in a representative capacity under the provisions of 37 CFR 1.34(a). The Office will not hold telephone interviews with or send communications to a registered patent attorney or agent, acting in a representative capacity under 37 CFR 1.34, i.e., who is not of record in the application.

Applicant may obtain a list of registered patent attorneys and agents located in your area by consulting the USPTO web site, <http://www.uspto.gov>, or by calling the Office of Enrollment and Discipline at (703) 306-4097.

### ***Drawings***

2. The Examiner accepts the drawings.

### ***Claim Objections***

3. Claims 1, 4-6 and 8-9 are objected to because of the following informalities: claim 1, "job seek" and "the like". In claims 4-6 and 8-9, "but are not limited to". Appropriate correction(s) is/are required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2172

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 2-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,978,768 issued to McGovern ("McGovern").

As per claim 2, McGovern teaches a computerized information system of workforce development services as claimed comprises a server having a plurality of one-stop services for job seekers, staff, employers, and training providers (thus, a software program recorded on a computer readable medium for controlling a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is equivalent to a server having a plurality of one-stop services for job seekers, staff, employers, and training providers)(see col. 4, lines 9-16);

a database of stored procedures operatively coupled with the server (thus, the remote site program controls the remote site computer 44 to read from the database a file including the position information that has been uploaded from company computers 42, the remote site program controls the remote site computer 44 to compare the companies included in the read database to a previously stored list of companies wanting their position information to be exported to the external sites; which is readable as a database running stored procedures operatively coupled with the server for the two-way communication of information)(see col. 16, lines 30-38); and

a plurality of input/output client devices operatively coupled with the server (thus, the remote location computer 44 is maintained by a service provider which typically has contractual relationships with the employers or companies 41, the job seeker computer 40, companies computers 42 and remote site computer 44 are provided with suitable modems and communications software so that they can communicate with each other via the Internet; which is readable as a plurality of input/output client devices operatively coupled with the server)(see col. 6, lines 49-56).

As per claim 3, the limitations of claim 3 are rejected in the analysis of claim 2, and this claim is rejected on that basis.

As per claim 4, McGovern teaches the system as claimed wherein the job seeker services include, but are not limited to, registration, preparation services, community services and benefits information, resume and cover letter builder, and staff and employer messaging, (see col. 13, lines 27-35).

As per claim 5, McGovern teaches the system, as claimed wherein the intensive and staff services include, but are not limited to, registration, common intake, case management, enrollment tracking, and system management and maintenance, (see col. 11, lines 34-36).

As per claim 6, McGovern teaches the system, as claimed wherein the employer services include, but are not limited to, registration, online job order management, online resume review, resume search by specific criteria, staff and job seeker messaging, (see col. 9, lines 41-53).

As per claim 7, McGovern teaches the system, as claimed and further including a plurality of additional services within the server consisting of training provider services and reporting services, (see col. 18, lines 53-55).

Art Unit: 2172

As per claim 8, McGovern teaches the system as claimed wherein the training provider services include, but are not limited to, registration, program information management, program completer details management, program approval request submission, individual training account status review, (see col. 18, lines 53-55).

As per claim 9, McGovern teaches the system as claimed wherein the reporting services include, but are not limited to, comprehensive reporting, Workforce Investment Act performance monitoring, and usage tracking, (see cols. 3-4, lines 66-31).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,978,768 issued to McGovern ("McGovern").

As per claim 1, McGovern teaches a computerized information system for accessing workforce development services by job seek, employers, training providers, benefit applicant, students, and the like, and allowing staff to manage and maintain the system, providing job seekers with one-stop universal access to self-service and staff-assisted job seeker services (see cols. 3-4, lines 66-8), as claimed the system comprises in combination: the server also having a plurality of additional services including training provider services and reporting services, the training provider services having a plurality of software components including registration,

Art Unit: 2172

program information management, program completer details management, program approval request submission, individual training account status review, the reporting services having a plurality of software components including comprehensive reporting, Workforce Investment Act performance monitoring, and usage tracking (thus, a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is readable as the server also having a plurality of additional services including training provider services and reporting services, the training provider services having a plurality of software components including registration, program information management, program completer details management)(see col. 4, lines 9-16);

a database running stored procedures operatively coupled with the server for the two-way communication of information (thus, the remote site program controls the remote site computer 44 to read from the database a file including the position information that has been uploaded from company computers 42, the remote site program controls the remote site computer 44 to compare the companies included in the read database to a previously stored list of companies wanting their position information to be exported to the external sites; which is readable as a database running stored procedures operatively coupled with the server for the two-way communication of information)(see col. 16, lines 30-38); and

a plurality of input/output client devices operatively coupled with the server for the two-way communication of information, the plurality of devices allowing access from job

Art Unit: 2172

seekers, staff, employers, and training providers providing job seekers with universal access to self-service and staff-assisted workforce development services (see col. 15, lines 50-58). But, McGovern does not explicitly indicate a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration, common intake, case management, full eligibility application, case notes, job seeker employment plan, enrollment tracking, program outcome tracking, follow-up tracking, welfare -to-work, self directed core service tracking, finance and grant tracking, appointment calendar, user messaging, job seeker online file folder management, user maintenance, system management and maintenance, the employer services including a plurality of software components providing registration, online job order management, online resume review, resume search by specific criteria, staff and job seeker messaging, employment incentives, references and resources, regional economic information, industry and labor profiles. However, McGovern implicitly indicates a method which enables a plurality of companies to advertise job positions at a single location accessible via a computer network, such as Internet enables a job seeker to access those positions via the computer network, a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to



Art Unit: 2172

be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is readable as a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration, (see cols. 3-4, lines 66-31). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of McGovern with a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration. This modification would allow the teachings of McGovern to provide a method and which enables an employer to advertise available positions on a computer network, (see col. 3, lines 55-57).

***Prior Art***

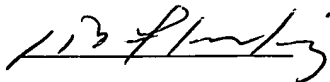
7. The prior art of record and not relied upon is considered pertinent to applicant's disclosure. McGovern et al. U.S. Patent No. 6,370,510 relates to method and system enables employer to use a computer network. Reuning U.S. Patent No. 6,381,592 relates to of recruiting new employees.

***Contact Information***

8. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: ***After Final (703) 746-7238, Official (703) 746-7239, and Non-Official (703) 746-7240.*** NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

August 5, 2003

JBf/

  
JEAN M. CORBIER  
PRIMER